

80858/40

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

PATRICIA DUST and ROBERT DUST)	
)	
Plaintiffs,)	
)	
vs.)	CAUSE NO. _____
)	
HILTON HAWAIIAN VILLAGE LLC,)	
HILTON HAWAII CORPORATION and)	
HILTON WORLDWIDE, INC.)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendants, Hilton Hawaiian Village LLC, Hilton Hawaii Corporation and Hilton Worldwide, Inc., by their attorneys, Randall W. Graff and Kopka Pinkus Dolin, PC, for their Notice of Removal, state as follows:

1. On October 9, 2015, Plaintiffs filed their Complaint in Lake County Circuit Court in Crown Point, Indiana under Cause No. 45C01-1510-CT-000168. Plaintiff Patricia Dust alleges personal injuries from having fallen on or near some steps at the Hilton Hawaiian Village Resort and Spa in Honolulu, Hawaii. Plaintiff Robert Dust alleges loss of consortium.

2. Plaintiffs, Patricia Dust and Robert Dust, are citizens of the State of Indiana.

3. Defendant, Hilton Hawaiian Village LLC, is a Hawaii Limited Liability Company with its principal place of business in Hawaii.

4. Defendant, Hilton Hawaii Corporation, is a Delaware corporation with its principal place of business in Hawaii.

5. Defendant, Hilton Worldwide, Inc., is a Delaware corporation with its principal place of business in Virginia.

6. To the best of their knowledge, these Defendants state on information and belief that the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000.00), exclusive of interests and costs, as Plaintiffs' Complaint has an open prayer for damages and alleges in Para. 17 ". . . severe injuries to her left shoulder, infection, multiple surgeries, and physical therapy and permanent impairment and scarring."

7. All Defendants are represented by the same attorney and consent to the removal.

8. A copy of the Complaint in the state court action is attached as Exhibit A.

9. Copies of all other documents in the state court file of this suit are attached as Exhibit B.

10. Defendant, Hilton Worldwide, Inc., was served with Plaintiffs' Complaint on November 9, 2015. (See the Notice of Service of Process From Corporation Service Company attached as Exhibit C.)

11. This Notice of Removal is being filed with the Court within 30 days after service on Hilton Worldwide, Inc.

12. All Defendants seek removal of this suit to the U.S. District Court for the Northern District of Indiana, because there is complete diversity of citizenship under 28 U.S.C. §1332 and that the amount in controversy exceeds Seventy Five Thousand Dollars (\$75,000.00), exclusive of interests and costs.

13. This action may be removed to this Court pursuant to the provisions of 28 U.S.C. §§1441(a)-(b), in that it is the civil action of which this District Court has original jurisdiction and the Defendants/Petitioners are not citizens of the State of Indiana.

14. Promptly after filing this Notice of Removal, Defendants will give written notice to all parties in this action, and will file a copy of the Notice with the Clerk of the Circuit Court of Lake County, Indiana.

WHEREFORE, Defendants, Hilton Hawaiian Village LLC, Hilton Hawaii Corporation and Hilton Worldwide, Inc., respectfully request that the above-described cause of action pending in the Circuit Court of Lake County, Indiana, be removed therefrom to the U.S. District Court for the Northern District of Indiana, and that this cause proceed in this District Court as an action properly removed thereto.

Respectfully submitted,

KOPKA PINKUS DOLIN PC

By: /s/Randall W. Graff
Randall W. Graff, #22651-45
Attorney for Defendants Hilton Hawaiian
Village LLC, Hilton Hawaii Corporation
and Hilton Worldwide, Inc.

Randall W. Graff
KOPKA PINKUS DOLIN PC
P.O. Box 40389
Indianapolis, IN 46240
(317) 814-4044
(317) 818-1390 (fax)
rwgraff@kopkalaw.com

CERTIFICATE OF SERVICE

I certify that on the 30th day of November, 2015, a complete copy of this document was served by depositing a copy in the U.S. Mail with sufficient postage attached to the following parties:

Robin G. Remley
Law Office of Robin Remley LLC
270 North Main Street, Suite A
Crown Point, IN 46307

/s/Randall W. Graff
Randall W. Graff